

REMARKS/ARGUMENTS

Claims 38, 40, 41, 43, 45-48, 50-52 and 54-74 are pending. Claims 60-74 remain withdrawn from consideration due to a restriction requirement. By this Amendment, the specification and claims 38, 40, 41, 43, 45, 50 and 58 are amended, and claims 39, 42, 44, 49 and 53 are canceled. In addition, the Abstract has been replaced, and replacement Figure 1 is presented herewith. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

In regard to paragraphs 1 and 2 of the Office Action, Applicants understand that claims 60-74 are withdrawn from further consideration, subject to Applicants right to file one or more divisional applications to this subject matter.

In regard to paragraph 3 of the Office Action, the foreign references which are listed on Applicants' Information Disclosure Statement filed on January 10, 2006 were carried over from the International Search Report from WO 2005/004953 A2, of which the present application is the U.S. national phase. Applicants regret that the International Bureau failed to submit these references, which are readily available via the Internet. Nonetheless, Applicants submit herewith copies of each of those references for the Examiner's express consideration. A fresh copy of the Information Disclosure Statement is also provided so that the Examiner can initial each of these references, and return a fully initialed copy to the undersigned.

In paragraph 4, the drawings were objected to as failing to show every feature of the invention specified in the claims. Although Applicants disagree with this objection, several of the claims have been canceled, e.g., claims 42, 49 and 53, in order to expedite prosecution. However, the container arrangement or container corresponds to element 3 in Figure 1, and the command and control device corresponds to element 19, according to the originally annotated

claims. In addition, attached hereto is replacement Figure 1 in which microprocessor M of the piloting means 19 and the smart-card reader R are associated with the piloting means 19 have been added. The microprocessor M and the smart card reader R are shown in generic form. In addition, the specification has been amended to introduce reference signs M and R. In addition, reference numbers 6 and 15 from Figure 1 have been eliminated in accordance with paragraph 5 of the Office Action.

Reconsideration and withdrawal of the objection to the drawings are respectfully requested.

In paragraph 6 of the Office Action, the Abstract is objected to based on containing legal phraseology. By this Amendment, a new Abstract is provided which eliminates legal phraseology.

In addition, the disclosure in the paragraph at page 3, line 16 has been amended in accordance with the objections set forth in paragraph 7 of the Office Action.

In regard to paragraph 8, the claims have been reviewed to ensure strict antecedent basis for each of the elements recited in the claims. For example, claim 38 sets forth a system for the infusion of a pharmacological solution, which pharmacological solution is recited in claim 38 as well as the remaining dependent claims. In regard to claim 56, antecedent basis for the data recording support is provided in claim 55, from which claim 56 depends.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 45-53 were rejected under 35 U.S.C. §112, second paragraph. By this Amendment, claim 45 is amended for clarity only to address the Examiner's rejection, by specifying that the pumping device comprises an elastomeric container wherein said pharmacological solution is inserted.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 38-42, 44 and 57 were rejected under 35 U.S.C. §102(b) over Corbin et al. (U.S. Patent No. 3,252,623). This rejection is respectfully traversed. Claim 38 is directed to a system for the infusion of a pharmacological solution in a patient comprising a container arrangement suitable for containing the pharmacological solution, a pumping device for generating a flow of said pharmacological solution from said container arrangement to a catheter insertable in the body of the patient, and an adjusting device to vary said flow and a command and control device operationally associated with said adjusting device, said adjusting device comprising a valve arrangement, said command and control device commanding a pulsed actuation of said valve arrangement, said flow being determined by the number of actuations of the valve arrangement per unit time.

Corbin et al. does not teach or suggest this subject matter. According to the Office Action, Corbin et al. discloses an infusion system having a container arrangement 10, a pumping device 14, an adjusting device 24 and a command and control device 45. However, Applicants respectfully submit that Corbin et al.'s infusion system does not comprise a pumping device. A pumping device is generally defined as a device that moves liquids from lower pressure to higher pressure overcoming the difference in pressure by adding energy to the liquid. The device 14 disclosed in Corbin et al. is a drop forming device delivering drops of liquid from container 12 to a splash chamber 13. The device 14 is merely a calibrated outlet that allows liquid from container 12 to pass into splash chamber 13 by gravity. The device 14 does not add any energy to the liquid and does not allow the liquid to overcome a difference in pressure. Therefore, the device 14 is not a pumping device. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Claims 43 and 54-56 were rejected under Corbin et al. in view of Franetzki et al. (U.S. Patent No. 4,270,532). In addition, claims 45-52 were rejected under 35 U.S.C. §103(a) over Corbin et al. in view of Kanai et al. (U.S. Patent No. 6,367,502). Further, claims 58 and 59 were rejected under 35 U.S.C. §103(a) over Corbin et al. in view of Crankshaw et al. (U.S. Patent No. 4,741,732). These rejection are respectfully traversed at least for the reason that the claims rejected herein depend from claim 38, either directly or indirectly. In addition, the additional cited art does not teach or suggest the claimed subject matter and nor do they make up for the deficiencies noted above in relation to Corbin et al. For example, Kanai et al. discloses an infusion system having a container arrangement and a pumping device comprising an elastomeric container 11 which is supported on a support element 10 associated with a transparent containing and protection element 2. The infusion system further comprises a valve mechanism 40 connected to the pumping device for manually regulating the flow of liquid dispensed by the pumping device. Kanai et al. does not teach, disclose or suggest a command and control device for performing a pulse actuation of the valve mechanism in order to automatically regulate the flow of liquid dispensed by the pumping device.

Crankshaw et al. discloses an infusion system with a command and control device 120 having a rechargeable battery. Crankshaw et al. does not disclose or suggest regulating the flow of liquid dispensed by the infusion system by pulse actuation of the valve.

Reconsideration and withdrawal of the rejections are respectfully requested.

Claim 53 was rejected under 35 U.S.C. §103(a) over Corbin et al. and Kanai et al. as applied to claim 45 and further in view of Wunsch (U.S. Patent No. 4,559,036). This rejection is moot in view of the cancellation of claim 53.

PIROVANO ET AL.
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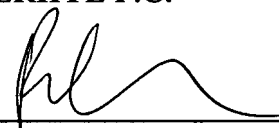
In view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


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Attachments:

Replacement Figure 1

Replacement Abstract

Copy of Information Disclosure Statement with

International Search Report and Four Foreign References

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